IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 857 OF 2006

1. Ramesh Kushab Bhosle
and anr. ....Applicant.

V/s

The State of Maharashtra ....Respondent.

CORAM: V.M. KANADE, J.

DATE: 1st March, 2006

P.C:

1. Heard the learned Counsel for the applicants and the learned APP for the State.

2. The applicants are seeking anticipatory bail in connection with the offence punishable under sections 498(A), 304(B), 306 read with section 34 of the Indian Penal Code. It is alleged that the applicant No.1's sister-in-law committed suicide on 28/1/2006. It is alleged that the applicant No.1 and the husband of the deceased used to demand dowry from her and, on earlier occasion, she had tried to commit suicide. However, she was saved in the nick of time. At that time, the applicants and the husband of the deceased gave an undertaking to police that they would not demand dowry or assault her. It is alleged that in spite of this

undertaking, the applicants and the husband of the deceased continued to assault her and, therefore, she committed suicide in the house by hanging herself in the presence of her two minor daughters.

3. The submissions made by the learned Counsel for the applicants cannot be accepted so far as applicant No.1 is concerned. Both, the applicants and husband of the deceased had given an undertaking to the Police that they would not assault the deceased. An agreement was also executed between the deceased and her husband. However, in spite of this undertaking, it appears that the applicants continued to harass the deceased and, therefore, she had not other option but to commit suicide in the presence of her two minor daughters.

4. Therefore, no case could be said to have been made out for anticipatory bail so far as applicant No.1 is concerned. His application is, therefore, rejected.

5. The applicant No.2, however, in the event of her arrest by the Chembur Police Station in connection with C.R. No.47 of 2006 for the offence punishable under sections 498(A), 304(B), 306 read with section 34 of the Indian Penal Code, be released on bail in

the sum of Rs 5000/- with one or two sureties in the like amount. Applicant No.2 shall co-operate with the Police in the investigation of the matter. The applicant No.2 should not be called at the Police Station after 5.00 P.M.

6. Application is accordingly disposed of.

V.M. KANADE, J.